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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/701,681	06/01/2001	Christian Gancet	33808F138(17	7996

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Smith Gambrell & Russell  
Beveridge DeGrandi Weilacher &  
Young Intellectual Property Group  
1850 M Street NW Suite 800  
Washington, DC 20036

EXAMINER

MRUK, BRIAN P

ART UNIT

PAPER NUMBER

1751

DATE MAILED: 08/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/701,681

Applicant(s)

GANCET ET AL.

Examiner

Brian P Mruk

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-9 and 12 is/are rejected.
- 7) ☒ Claim(s) 5, 10 and 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This Office action is in response to Applicant's amendment filed June 13, 2003. Applicant has amended claims 1-8. New claims 9-12 have been added. Currently, claims 1-12 remain pending in the application.
2. The text of those sections of Title 35 U.S. Code not included in this action can be found in the prior Office action, Paper No. 6.
3. The objection of the specification for not containing an abstract of the disclosure is withdrawn in view of applicant's amendments and remarks.
4. The objection of claims 6-8 for being improper multiple dependent claims is withdrawn in view of applicant's amendments and remarks.
5. The rejection of claims 2-5 under 35 U.S.C. 112, second paragraph, is withdrawn in view of applicant's amendments and remarks.
6. The rejection of claims 1, 2 and 4-5 under 35 U.S.C. 102(b) as being anticipated by Borg-Warner Corporation, GB 1,260,515, is withdrawn in view of applicant's amendments and remarks.

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7. The rejection of claims 1-4 under 35 U.S.C. 102(b) as being anticipated by Bailey, U.S. Patent No. 4,923,941, is withdrawn in view of applicant's amendments and remarks.

## **NEW GROUNDS OF REJECTION**

### ***Claim Objections***

8. Claim 6 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Specifically, claim 6 does not further limit claim 1, since claim 1 already recites that monomer C is a monomer that is copolymerizable with monomers A and B.

9. Claims 9 and 12 are objected to because of the following informalities:

In instant claim 9, the phrase "and maleic acid and the salts of the foregoing" should be amended to recite ", maleic acid and the salts of the foregoing" to constitute a proper Markush listing. Appropriate correction is required.

In instant claim 12, the phrase "and styrene monomers and derivatives thereof" should be amended to recite ", styrene monomers and derivatives thereof" to constitute a proper Markush listing. Appropriate correction is required.

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***Claim Rejections - 35 USC § 112***

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. Claim 7 provides for the use of a hydrophilic polymer, but, since the claim does not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.

Claim 7 is rejected under 35 U.S.C. 101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process, i.e., results in a claim which is not a proper process claim under 35 U.S.C. 101. See for example *Ex parte Dunki*, 153 USPQ 678 (Bd.App. 1967) and *Clinical Products, Ltd. v. Brenner*, 255 F. Supp. 131, 149 USPQ 475 (D.D.C. 1966).

***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. Claims 1-3, 6-9 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Swift et al, EP 497,611.

Swift et al, EP 497,611, discloses a terpolymer for use in detergent compositions containing 15-55 mole percent of a first monomer selected from vinyl acetate, vinyl

ethers and styrene, 10-70 mole percent of a second monomer of an ethylenically unsaturated monocarboxylic acid, such as acrylic acid, and 15-55 mole percent of a third monomer of an anhydride of a dicarboxylic acid (see abstract & page 3, lines 29-44), per the requirements of the instant invention. Specifically note Examples 1-35. Therefore, instant claims 1-3, 6-9 and 12 are anticipated by Swift et al, EP 497,611.

13. Claims 1-4 and 6-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Swift, "Water-Soluble Polymers".

Swift, "Water-Soluble Polymers", discloses water soluble polymers for use in detergent formulations (see page 215, introduction), comprising 74.8-97.1% by weight of an acrylic acid monomer, 10.5-31.6% by weight of a maleic acid monomer, and 2.1-5.3% by weight of a crosslinker monomer, such as ethylene glycol dimaleate (see page 220, Table 5), per the requirements of the instant invention. Therefore, instant claims 1-4 and 6-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Swift, "Water-Soluble Polymers".

### ***Response to Arguments***

14. Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection.

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***Allowable Subject Matter***

15. Claims 5 and 10-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Mruk whose telephone number is (703) 305-0728. The examiner can normally be reached on Monday-Thursday from 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta, can be reached on (703) 308-4708. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310 (Before Final) and (703) 872-9311 (After Final).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Blm

Brian Mruk  
August 20, 2003

*Brian P. Mruk*

Brian P. Mruk  
Patent Examiner  
Tech Center 1700